REMARKS

The Official Action of July 1, 2005, and the prior art relied upon therein have been carefully studied. The claims in the application are now claims 13-25, and these claims are believed and submitted to define novel and unobvious subject matter. Accordingly, the applicants respectfully requests favorable reconsideration and allowance.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Claims 1-12 have been deleted and have been replaced by new claims 13-25. These are claims directed to the same subject matter as deleted claims 1-12, but structured somewhat differently.

As requested by the Examiner, applicants have now updated the benefit information in [0001] of the present application.

As regards re-submission of copies of the certified copies of the priority applications filed in the parent application, applicants ask the Examiner if he can access the electronic copy of the parent application and make electronic copies for the present PTO file.

Claims 1-4, 6-10 and 12 have been rejected under the second paragraph of Section 112 for a variety of reasons. In addition, claims 1-4 and 6-12 have been rejected under the first paragraph of Section 112 as failing to comply with the written description requirement, and claims 3-5 and 7-12 have been rejected under the first paragraph of Section 112 as not being enabling "for proteins comprising homologues of SEQ ID NO: 2, as recited in claims 3-5 with no function or pharmaceutical compositions comprising said products." These rejections are respectfully traversed.

As regards the above last stated rejection, the Examiner has noted that applicants may overcome the rejection by deleting the term "pharmaceutical" from claims 7-12. The term "pharmaceutical" does not appear in applicants' new claims corresponding to previous claims 7-12, although some of applicants' new claims do call for the presence of a pharmaceutically acceptable carrier and/or diluent.

New claims 13-25 are directed to polypeptide sequences comprising the sequence of SEQ ID NO: 2 or a sequence sharing at least 90% identity to the sequence of SEQ ID NO: 2, as well as methods for producing the polypeptides and compositions comprising them. Support for claims 13 to 15 can be found in the specification at pages 21 and 22, paragraph [0051]. Support for claim 17 can be found in the

specification at pages 46 and 47, paragraph [0110] and original claim 7. Support for claim 18 can be found in the specification at page 7. Support for the method of producing a recombinant sphingosine kinase polypeptide according to claim 16 can be found in the specification at page 36, paragraph [0084].

Certain terminology criticized in the rejections under Section 112, in particular the terms "analogue", "derivative", "chemical equivalent" and "mimetic", have been deleted. Furthermore, the claims now recite conditions for high stringency hybridization. Reference to the term "substantially" has been removed from the claims.

Withdrawal of the rejections under Section 112 is in order and is respectfully requested.

Claims 1, 3-7 and 9-12 have been rejected under Section 102 as anticipated by Kohama et al, reference AZ of the IDS filed November 17, 2003 (Kohama). In addition, claims 1-12 have been rejected under Section 102 as anticipated by Young et al USP 6,525,174 (Young). These rejections are respectfully traversed.

Applicants note that the Examiner states near at the top of page 11 of the Office Action states that "SEQ ID NO: 2 is allowed...because said sequence is free of prior art [and] is also non-obvious."

New claims 13-25 recite a protein sequence comprising at least 90% identity to SEQ ID NO: 2. Such subject matter is not anticipated by either reference.

No rejections have been imposed under Section 103, and applicants agree that no such rejection would be justified. The subject matter of claims 13-25 would not have been obvious to a person of ordinary skill in the art at the time the present invention was made from a consideration of either Kohama or Young.

New claims 23-25 are presented on the basis that the recited N-terminal 105 amino acid residues have a specific and substantial utility for example as antigens or probes. Neither Kohama nor Young share at least 30 contiguous amino acids present within the N-terminal 105 amino acid residues of SEQ ID NO: 2.

Withdrawal of the rejection based on prior art is in order and is respectfully requested.

Attached to the Office Action are several pages listing references cited by applicants. As understood, the Examiner has considered references AH, AM through AW, AY, AZ and BB through BJ. As understood, the Examiner has not considered citations AA-AL, AX or BA. Applicants do not understand why those latter citations have not been considered, as they have been submitted fully in accordance

with the regulations. For example, those submitted without copies were cited in the parent application from which applicants claim benefit, and according to the regulations no duplicate copies need be submitted in the continuing application. Applicants request clarification, consideration of **all** the citations by the Examiner, and an indication in the record that indeed all such documents have been considered.

The prior art documents made of record and not relied upon have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their application against any of applicants' claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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